

EXHIBIT “K”

IN THE COURT OF COMMON PLEAS OF MONROE COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

LOUIS D. POWLETTE and PATRICIA
POWLETTE, JEFFREY L. WRIGHT and
BARBARA KEISER,

Appellants

v.

ZONING HEARING BOARD OF
HAMILTON TOWNSHIP,

Appellee

and

PENNSYLVANIA CELLULAR TELEPHONE
CORP.,

Intervenor

NO. 8017 CIVIL 1996

COPY

LAND USE APPEAL

NOTICE OF INTERVENTION OF PENNSYLVANIA CELLULAR TELEPHONE CORP.

Please take notice that Pennsylvania Cellular Telephone Corp. ("Intervenor"), through its counsel, Fitzpatrick Lentz & Bubba, P.C., intervenes in this Land Use Appeal in accordance with the Pennsylvania Municipalities Planning Code, and in support thereof states as follows:

1. The name of Intervenor is Pennsylvania Cellular Telephone Corp., a North Carolina business corporation which maintains local business offices at 1640 Valley Center Parkway, Bethlehem, Pennsylvania.

2. This Appeal is governed by Article X-A of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. §11001-A et seq.

3. Intervenor is the Lessee of a portion of premises owned by Mr. and Mrs. John Haney, located on Haney Road, Hamilton

Township, Pennsylvania, which leased premises is the subject of this Land Use Appeal. As such, Intervenor is a "landowner" as that term is defined in Section 107(a) of the MPC, 53 P.S. 10107(a) and was the Applicant at the underlying Zoning Board Hearings.

4. The factual and legal circumstances under which Intervenor alleges a right to intervene in this Land Use Appeal are that: Intervenor is Lessee of a 22,500 square foot lot located on Haney Road, Hamilton Township, Pennsylvania. The subject leased premises is located in the A (Agricultural) Zoning District, which permits radio and television receiving towers as a special use (Use Class 12(b)) under Ordinance Section 402.2. Intervenor's cellular communication facility falls into this category and is also exempt from height restrictions under Ordinance Section 501.6. The Appellants have initiated this appeal from Appellee Zoning Hearing Board's grants of relief and favorable Ordinance interpretations of Intervenor's Zoning Application.

5. The position of Intervenor is that the November 6, 1996 Decision by the Hamilton Township Zoning Hearing Board approving the proposed cellular communications tower and equipment building was properly rendered by Appellee Zoning Hearing Board and that Intervenor presented adequate and compelling evidence to support the relief granted by the Zoning Hearing Board.

6. Intervenor's proposed use and the relief granted by the Zoning Hearing Board will not be detrimental to public welfare health, safety, convenience, or to the character of the neighborhood.

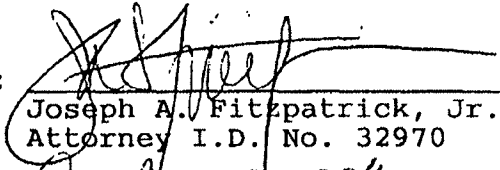
7. There is substantial evidence in the record to support the granting of the special use and height exemption by the Zoning Hearing Board, which relief was not an abuse of discretion nor an error of law.

8. Uncontroverted testimony and evidence was presented that the proposed use would not cause substantial injury to property values.

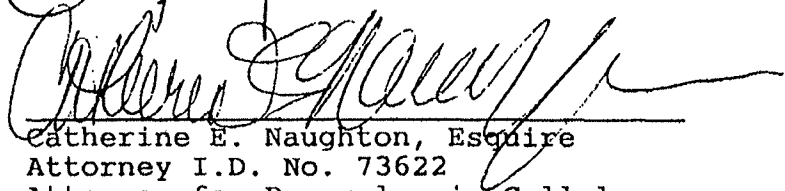
9. Intervenor reserves the right to pursue the issuance of a bond by Appellants, as provided for in the MPC.

FITZPATRICK LENTZ & BUBBA, P.C.

By:



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Appellee)	
)	
and)	
)	
PENNSYLVANIA CELLULAR TELEPHONE)	
CORP.,)	
Intervenor)	

PROOF OF SERVICE

I hereby certify that I am this date serving the foregoing
Notice of Intervention of Pennsylvania Cellular Telephone Corp.
upon the persons and in the manner indicated below:

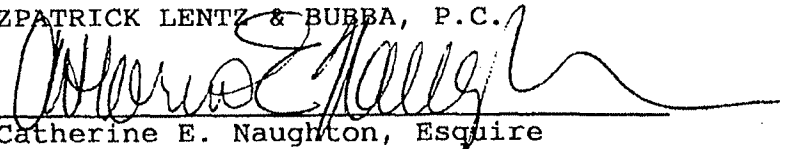
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December //, 1996